IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2145 of 1985

M/s New Era Engg. Co .. Plaintiff

versus

M/s Wallace Flour Mills Co Ltd.. Defendant

Mr.Murlidharan i/b R.T.Parekh for Plaintiff

Mr Sameer Savant i/b Little & Co for Defendant

CORAM : D.G. KARNIK, J

DATED : 12th August, 2005.

P.C.

1. Heard learned counsel for the parties. The defendant has not filed the written statement for nearly 20 years. Hence, the averments made in the plaint are deemed to be accepted.

2. The suit is for recovery of money. In the absence of the written statement the suit is decreed under Order 8 Rule 10 of the Code of Civil

Procedure in terms of prayer clauses (a) and (b) with a modification that interest would be payable on the principal sum at the rate of 9 % p.a. from the date of the suit till payment.

D.G.KARNIK, J